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OFFICE OF PETITIONS

In re Application of	:	
Richard L. Gregory	:	
Application No. 10/009,004	:	ON PETITION
Filed: May 3, 2000	:	
Attorney Docket No. 7037-405	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a proper reply to the Notification of Defective Response mailed August 5, 2002, which set a shortened statutory period for reply of one month. This letter informed applicant that he must a Sequence Listing in compliance with 37 CFR 1.821 - 1.825. Applicant submitted a Sequence Listing on September 10, 2002, made timely by including a Certificate of Mailing dated September 4, 2002. However, the CRF was unreadable. Accordingly, the above-identified application became abandoned on September 6, 2002. A Notice of Abandonment was mailed on October 29, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks item (1), the required reply.

The Sequence Listing submitted on petition contained errors. A copy of the Raw Sequence Listing Error Report, is enclosed for petitioner's convenience.

On renewed petition, petitioner must submit a Sequence Listing (paper and computer readable form) in compliance with 37 CFR 1.821 - 1.825.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207

Cliff Congo

Cliff Congo
Petitions Attorney
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Office of the Deputy Commissioner
for Patent Examination Policy

Enc: Raw Sequence Listing Error Report (8 pages)